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Approved For Release 2003/07/29 : CIA-RDP80R01731R001300170021-1

0-8532

11 JAN 1950

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The Honorable Lindsay C. Warren
Comptroller General
General Accounting Office
Washington 25, D.C.

Dear Mr. Warren:

As you are undoubtedly aware, certain personnel of this Agency travel overseas with members of their family. In order to meet the formal requirements of admission to most countries, the members of the family are required to provide proof of inoculation against diseases endemic in that area. We are aware that inoculations in the case of employees are a justifiable expense within the scope of the Standardized Government Travel Regulations, and no question is raised in their regard. In the case of an employee's family, however, we feel that there may be some doubt about the propriety of payment or reimbursement for the cost of their inoculation even though it is required as a necessary condition of travel. While there will probably be security restrictions in many instances, we wish to submit the question for guidance in processing claims under a special status on the same basis as those in which there is no danger of compromise.

The Central Intelligence Agency Act of 1949 (P.L. 110, 81st Cong.) approved 20 June, 1949, under which this Agency now operates, provides in pertinent part (Sec. 5 (a) (1) (3)) that:

"Under such regulations as the Director may prescribe, the Agency, with respect to its officers and employees assigned to permanent-duty stations outside the continental United States, its territories and possessions, shall - pay the travel expenses of members of the family of an officer or employee of the Agency when proceeding to or returning from his post of duty; accompanying him on authorized home leave; or otherwise traveling in accordance with authority granted pursuant to the terms of this or any other Act;"

In order to prescribe a regulation which is in accord with your understanding, I would appreciate your advice in the matter.

It is noted that the question of inoculation of families was raised by the Department of Commerce in 1946. Your opinion in 26 Comp. Gen. 137 states - in syllabus:

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"While the cost for inoculation of an employee when required for travel beyond the limits of the United States constitutes a reimbursable travel expense under paragraph 75 of the Standardized Government Travel Regulations, the cost of inoculations for members of an employee's immediate family incident to a permanent change of station beyond the limits of the United States may not be considered as an expense of "transportation" for which he would be entitled to reimbursement under section 201 (a) of the Independent Offices Appropriation Act, 1946, and Executive Order No. 9567, issued thereunder."

In citing the Independent Offices Appropriation Act of 1946, (59 Stat. 106.131) and Executive Order No. 9567, under which the Department derived its authority, as conditioned by the Standardized Government Travel Regulations, you explained:

"While the above-quoted statutory provision authorizes the payment of "expenses of travel" of civilian officers and employees of the executive department and independent establishments on transfer from one official station to another, it limits the payment of expenses incurred by their immediate families in connection with such transfer to "expenses of transportation." That limitation is recognized in the Executive Order, supra, wherein it is provided that only the provisions of the travel regulations "which relate to transportation" are to be applicable to the transportation of the immediate families of the employees."

Further, you made the distinction between "expenses of transportation" and "travel expenses", stating that:

"Clearly, under the law and regulations, necessary inoculation charges constitute a travel expense for which an employee is entitled to be reimbursed, provided the charges for inoculation be authorized or approved by the proper official, as required by paragraph 75 of the travel regulations; however, such charges may not be considered as coming within the purview of the term "expenses of transportation" as used in section 201 (a) of the appropriation act or the term "transportation" as used in section 2 of the Executive Order, supra. The term "transportation" ordinarily connotes the allowance of common carrier fares only and while paragraph 5 of the travel regulations broadens the meaning so as to include certain expenses incident thereto, there is no basis for construing it so as to include inoculation charges, even though they may be required - as a necessary travel expense - before an employee or his family are permitted to undertake the authorized travel."

In view of the terminology of the Independent Offices Appropriation

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Act of 1946 (which provides for "transportation expenses") as distinguished from that of the Central Intelligence Agency Act of 1949 (which provides for "travel expenses"), we believe it is proper to recognize a charge for inoculation of members of the family of employees going overseas as an acceptable cost. Nor does this understanding appear to be in contradiction to the Standardized Government Travel Regulations. The answer, however, is not without some doubt, and I wish to submit the question of whether the inoculation of the members of the family of an officer or employee assigned to a permanent-duty station outside the continental United States, its territories and possessions, is an item of travel expense authorized under the Central Intelligence Agency Act of 1949.

Sincerely yours,

Signed - *via EA 1/11/50.*

R. H. Hillenkoetter

Rear Admiral, USN

Director of Central Intelligence

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cc: Subject

Chrono

Signer's copy ✓

Return to OGC dated *w/fee on July.*

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